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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,320	12/21/2000	William J. Balloni	15-NM-5334 (70191/251)	2052
7590	08/05/2004		EXAMINER JAROENCHONWANT, BUNJOB	
Katherine D. Lee FOLEY & LARDNER Firststar Center 777 East Wisconsin Avenue Milwaukee, WI 53202-5367			ART UNIT 2143	PAPER NUMBER
DATE MAILED: 08/05/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

[Handwritten signature]

Office Action Summary	Application No.	Applicant(s)	
	09/745,320	BALLONI ET AL.	
	Examiner	Art Unit	
	Bunjob Jaroenchonwanit	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 December 2000 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/9/01, 7/30/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-8, 10-11, 17-24, 26-27, 31-38, 46-47 and 52-53 are rejected under 35 U.S.C. 102(b) as being anticipated by Wood et al (US. 5,715,823).

3. Regarding claims 1, 4, 7, 8, 11, 17, 21, 23, 24, 27, 31, 35, 36, 38, 46, 47 and 52, Wood disclose a method, apparatus and computer program (hereinafter collectively referred to as a system) for remote control of an imaging system, e.g., ultrasound system, the imaging system associated with an application model located at a first location and the application model being in communication with the imaging system, the method comprising the steps of:

providing a first user interface at the first location (fig. 4)

providing a second user interface, i.e., web browser, at a second location, i.e., HTTP server, in response to a request for remote control of the imaging system at the second location (Col.7, line 37-Col. 8, lines 58); and

communicating with the application model, e.g., CGI programs, via at least one of the first user interface and the second user interface (Col. 8, lines 40-58).

4. Regarding claims 2, 18 Wood discloses a second user interface includes generating the second user interface from the application model (Col. 8, lines 40-58).

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5. Regarding claims 3, 53, Wood discloses a second user interface includes replicating at least a part of the first user interface using the application model to the second location (Col. 8, lines 47-51).

6. Regarding claims 5-6, 19-20, 22, 32-34, Wood discloses updating the first and the second user interfaces in response to at least one command made to the imaging system by at least one of the first and the second user interfaces or in response to at least one response returned from the imaging system (Col. 9, line 49-Col. 10, line 9).

7. Regarding claims 10, 26, 37, 38, Wood discloses the communications network is selected from a group including an intranet, the Internet, a local area network (LAN), a broadband network, a wireless network and a variety of other networks (Fig. 3).

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 9, 25, 12-16, 28-30, 39-45, 48-51 and 54-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wood et al (US. 5,715,823).

10. Regarding claims 9, 25, 54-57 Wood discloses the invention substantially, as claimed, as described, but is silent to including network communication between application model and second user interface, i.e., separation CGI from second station. However, the court held that would have been obvious for any desirable reason to making separable. (MPEP 2144.04 C).

11. Regarding claims 12-14, 28, 39 and 48-51, Wood discloses the invention substantially, as claimed, as described, but silent to having the second location is the first location, i.e., making

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integral. However, the court held that making integral without producing unexpected results would have been obvious to one skill in the art that was a matter of engineering choice (MPEP 2144.04 B).

12. Regarding claims 15-16, 29-30, 40-44 Wood discloses the invention substantially, as claimed, as described, including a remote control concept, which is applicable to any number of remote control station. Thus including a third location or any number of locations would have been obvious to one of ordinary skill in the art that was a matter of choice.

13. Regarding claim 45, Wood discloses the invention substantially, but does not explicitly include well-known medical diagnostic device such as MRI or NM in the group for controlling remotely, as claimed. However, modifying the system as taught by Wood, which is capable of controlling general imaging apparatus over network to control any other types of medical diagnostic devices would have obvious to one of ordinary skill in the art at the time of the invention was made that a matter of implementation choice (MPEP 2144.04 C).


14. Regarding claim 58, Wood discloses the invention substantially, but does not explicitly include well-known command, as claimed therein. However, by teaching of system capable of providing remote control via graphic user interface from a terminal across a network, in which remotely commanding is inherent. It would have been obvious to one of ordinary skill in the art at the time of the invention was made that, modifying remote-commanding capability, as taught by wood, for controlling medical devices e to perform specific task, regardless of detailing, would have been obvious to one of ordinary skill in the art at the time of the invention was made that was a matter of choice (MPEP 2144.04 C).

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15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bunjob Jaroenchonwanit whose telephone number is (703) 305-9673. The examiner can normally be reached on 8:00-17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (703) 308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Bunjob Jaroenchonwanit
Primary Examiner
Art Unit 2143

/bj
7/12/04